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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,810	06/26/2003	Morito Morishima	P 0304520 H7953US	5462

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EXAMINER

PHAM, VAN T

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,810

Applicant(s)

MORISHIMA, MORITO

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 12, 14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12, 14 and 16-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed 10/18/2006 have been considered but are moot in view of the new ground(s) of rejection.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 06/29/2009 was filed after the mailing date of the Non Final Rejection on 06/14/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

3. Figure 14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Note:** Figure 14 was rejected on the previous Office Action mailed on 6/14/2006 but never received a replacement drawing.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 12, 14, and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura et al. (US 5,444,687) in view of Maeda et al (US 5,768,245).

Regarding claim 1, Okumura discloses an optical disc recording apparatus comprising: a rotating section which rotates the optical disc at a substantially constant speed (see Figs. 1, 4, abstract); a feeding section which moves the optical pickup by a movement distance in a radial direction of the optical disc (see Figs. 1, 4, cols. 1-2, col. 4, line 65- col. 5, line 9); a detecting section which detects a radial position of the optical pickup with respect to the optical disc (see col. 7, lines 18-29); and a movement distance controlling section which changes the movement distance set in the feeding section in accordance with the radial position of the optical pickup detected by the detecting section (see Figs. 1, 4, cols. 1-2, col. 4, line 65- col. 5, line 9). Okumura disclose an optical pickup in which data is recorded or to be recorded at a constant linear velocity (noted that the Applicant admitted prior art discloses CLV (constant linear velocity) system in which recording is performed while controlling the power of a laser beam emitted from an optical pickup to an optical disc to be constant (see [0006])).

Maeda, see Fig. 1 and col. 7, lines 4-37, discloses an optical pickup, which applies a laser beam of substantially constant power to an optical disc (noted that Maeda does disclose the combination of the optical disk is rotated at a constant rotational speed with a constant recording power of the laser light (see col. 7, lines 17-22)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an optical pickup, which applies a laser beam of substantially constant power to an optical disc in Okumura as suggested by Maeda, the motivation being in

order to have data are recorded on the same conditions from the inner peripheral portion to the outer peripheral portion (see Maeda col. 7, lines 31-33).

Regarding claim 2, the combination of Okumura and Maeda, see Okumura Fig. 1 and abstract, discloses the optical disc recording apparatus according to claim 1, wherein a rotation number of the optical disc rotated by the rotating section is controlled by the rotation controlling section to be substantially constant.

Regarding claim 3, the combination of Okumura and Maeda, see Maeda col. 7, discloses the optical disc recording apparatus according to claim 1, wherein the power of the laser beam is controlled by a laser power controlling section to be substantially constant.

Regarding claim 4, the combination of Okumura and Maeda, see Okumura Figs. 1, 4, discloses the optical disc recording apparatus according to claim 1, wherein the feeding section moves the optical pickup each time when the optical disc is rotated once by the rotating section.

Regarding claim 5, the combination of Okumura and Maeda, see Okumura Figs. 7-9, discloses the optical disc recording apparatus according to claim 1, wherein the movement distance controlling section changes the movement distance set in the feeding section, to be further reduced in a stepwise manner as the radial position of the optical pickup is further moved from an inner peripheral side of the optical disc toward an outer peripheral side.

Regarding claims 12 and 14, see rejection above of claim 1.

Regarding claims 16, 22, see rejection above of claim 2.

Regarding claim 17, 23, see rejection above of claim 3.

Regarding claim 18, 24, see rejection above of claim 4.

Regarding claim 19, 25, see rejection above of claim 5.

6. Claims 1-7, 12, 14, and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura et al. (US 5,444,687) and Maeda et al (US 5,768,245) in view of Ohira et al. (US 5,748,607).

Regarding claim 6, the combination of Okumura and Maeda, see Okumura Figs. 7-9, discloses the optical disc recording apparatus according to claim 1, the feed management information including radial positions of the optical pickup and corresponding movement distance of the optical pickup, wherein the movement distance controlling section obtains the movement distance based on the radial position of the optical pickup that is detected by said detecting section, and a corresponding movement distance in the feed management information (see Figs. 6-12 and [0008]-[0010], [0048]).

Ohira disclose an optical disc recording apparatus including a storage section which stores feed management information for forming an image of a density which is uniform over a substantially whole area of the optical (see Figs. 2 and 5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to a storage section which stores feed management information for forming an image of a density which is uniform over a substantially whole area of the optical in Okumura and Maeda as suggested by Maeda, the motivation being in order to form images.

Regarding claim 7, see rejection above of claim 6 and see Okumura Fig. 1, Maeda Fig. 1, Ohira Figs. 2, 5, for the optical disc recording apparatus forms an image on the optical disc in accordance with image data with using the optical pickup, the rotation section, the feeding section the detecting section and the movement distance controlling section.

Regarding claims 20 and 26, see rejection above of claim 6.

Regarding claims 21 and 27, see rejection above of claim 7.

*Cited References*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to optical disk player having reduced laser output during track changes (Tsukamura et al. US 4,660, 189); Method of printing label on optical disk, optical disk unit (Okumura US 2001/0191517); and Optical disk apparatus (Maeda et al US 5,768,245).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER